

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TRINH *et al.*

Appl. No. 09/306,986

Filed: May 7, 1999

For: **A Method for Synthesizing a
Nucleic Acid Molecule Using a
Ribonuclease**

Confirmation No.: 4261

Art Unit: 1652

Examiner: Hutson, R.

Atty. Docket: 0942.4570001/RWE/FRC

**Notice of Appeal From the Examiner to the Board of Patent Appeals
and Interferences-Large Entity**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Appeal from the final rejection of claims 8-12, 56, and 70-73 was filed on September 30, 2005, and an Appeal Brief was filed on May 1, 2006. Prosecution was reopened on July 25, 2006 by the issuance of a non-final Office Action by the Examiner. Rather than filing a reply under 37 C.F.R. § 1.111, Appellants wish to reinstate the Appeal. See M.P.E.P. §§ 1204.01 and 1207.04. Accordingly, Appellants file herewith a second Notice of Appeal under 37 C.F.R. § 41.31 along with this complete new Appeal Brief under 37 C.F.R. § 41.37.

In accordance with M.P.E.P. § 1204.01, Appellants request that Notice of Appeal fee previously paid on September 30, 2005 (\$500.00), and the Appeal Brief fee previously paid on May 1, 2006 (\$500.00), be applied to the reinstated Appeal filed herewith.

It is not believed that extensions of time or fees are required beyond those that may otherwise be provided for in documents accompanying this paper. If additional fees are due for additional extensions of time or fees set forth in 37 CFR 41.20 have been

increased since they were previously paid and are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required are hereby authorized to be charged to our Deposit Account No. 50-3994.

Respectfully submitted,

/Natalie A. Davis/

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Date: October 25, 2006